

105TH CONGRESS  
1ST SESSION

# H. R. 2205

To reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1997

Mr. OBERSTAR (for himself and Mr. WISE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Amtrak Reform and  
5       Privatization Act of 1997”.

# **TITLE I—PROCUREMENT REFORMS**

## **3 SEC. 101. CONTRACTING PRACTICES.**

4 (a) BELOW-COST COMPETITION.—Section 24305(b)  
5 of title 49, United States Code, is amended to read as  
6 follows:

7 “(b) BELOW-COST COMPETITION.—(1) Amtrak shall  
8 not submit any bid for the performance of services under  
9 a contract for an amount less than the cost to Amtrak  
10 of performing such services, with respect to any activity  
11 other than the provision of intercity rail passenger trans-  
12 portation, commuter rail passenger transportation, or mail  
13 or express transportation. For purposes of this subsection,  
14 the cost to Amtrak of performing services shall be deter-  
15 mined using generally accepted accounting principles for  
16 contracting.

17 “(2) Any aggrieved individual may commence a civil  
18 action for violation of paragraph (1). The United States  
19 district courts shall have jurisdiction, without regard to  
20 the amount in controversy or the citizenship of the parties,  
21 to enforce paragraph (1). The court, in issuing any final  
22 order in any action brought pursuant to this paragraph,  
23 may award bid preparation costs, anticipated profits, and  
24 litigation costs, including reasonable attorney and expert  
25 witness fees, to any prevailing or substantially prevailing

1 party. The court may, if a temporary restraining order  
 2 or preliminary injunction is sought, require the filing of  
 3 a bond or equivalent security in accordance with the Fed-  
 4 eral Rules of Civil Procedure.

5 “(3) This subsection shall cease to be effective on the  
 6 expiration of a fiscal year during which no Federal operat-  
 7 ing assistance is provided to Amtrak.”.

8 (b) THROUGH SERVICE IN CONJUNCTION WITH  
 9 INTERCITY BUS OPERATIONS.—(1) Section 24305(a) of  
 10 title 49, United States Code, is amended by adding at the  
 11 end the following new paragraph:

12 “(3)(A) Except as provided in subsection (d)(2), Am-  
 13 trak may enter into a contract with a motor carrier of  
 14 passengers for the intercity transportation of passengers  
 15 by motor carrier over regular routes only—

16 “(i) if the motor carrier is not a public recipient  
 17 of governmental assistance, as such term is defined  
 18 in section 13902(b)(8)(A) of this title, other than a  
 19 recipient of funds under section 5311 of this title;

20 “(ii) for passengers who have had prior move-  
 21 ment by rail or will have subsequent movement by  
 22 rail; and

23 “(iii) if the buses, when used in the provision  
 24 of such transportation, are used exclusively for the  
 25 transportation of passengers described in clause (ii).

1 “(B) Subparagraph (A) shall not apply to transpor-  
2 tation funded predominantly by a State or local govern-  
3 ment, or to ticket selling agreements.”.

4 (2) Section 24305(d) of title 49, United States Code,  
5 is amended by adding at the end the following new para-  
6 graph:

7 “(3) Congress encourages Amtrak and motor com-  
8 mon carriers of passengers to use the authority conferred  
9 in sections 11322 and 14302 of this title for the purpose  
10 of providing improved service to the public and economy  
11 of operation.”.

12 **SEC. 102. FREEDOM OF INFORMATION ACT.**

13 Section 24301(e) of title 49, United States Code, is  
14 amended by striking “Section 552 of title 5, this part,”  
15 and inserting in lieu thereof “This part”.

16 **SEC. 103. TRACK WORK.**

17 (a) OUTREACH PROGRAM.—Amtrak shall, within one  
18 year after the date of the enactment of this Act, establish  
19 an outreach program through which it will work with track  
20 work manufacturers in the United States to increase the  
21 likelihood that such manufacturers will be able to meet  
22 Amtrak’s specifications for track work. The program shall  
23 include engineering assistance for the manufacturers and  
24 dialogue between Amtrak and the manufacturers to iden-

1 tify how Amtrak’s specifications can be met by the capa-  
 2 bilities of the manufacturers.

3 (b) ANNUAL REPORT.—Amtrak shall report to the  
 4 Congress within 2 years after the date of the enactment  
 5 of this Act on progress made under subsection (a), includ-  
 6 ing a statement of the percentage of Amtrak’s track work  
 7 contracts that are awarded to manufacturers in the United  
 8 States.

## 9 **TITLE II—OPERATIONAL** 10 **REFORMS**

### 11 **SEC. 201. BASIC SYSTEM.**

12 (a) OPERATION OF BASIC SYSTEM.—Section 24701  
 13 of title 49, United States Code, and the item relating  
 14 thereto in the table of sections of chapter 247 of such title,  
 15 are repealed.

16 (b) IMPROVING RAIL PASSENGER TRANSPOR-  
 17 TATION.—Section 24702 of title 49, United States Code,  
 18 and the item relating thereto in the table of sections of  
 19 chapter 247 of such title, are repealed.

20 (c) DISCONTINUANCE.—Section 24706 of title 49,  
 21 United States Code, is amended—

22 (1) in subsection (a)(1)—

23 (A) by striking “90 days” and inserting in  
 24 lieu thereof “180 days”;

1 (B) by striking “a discontinuance under  
2 section 24704 or 24707(a) or (b) of this title”  
3 and inserting in lieu thereof “discontinuing  
4 service over a route”; and

5 (C) by inserting “or assume” after “agree  
6 to share”;

7 (2) in subsection (a)(2), by striking “section  
8 24704 or 24707(a) or (b) of this title” and inserting  
9 in lieu thereof “paragraph (1)”; and

10 (3) by striking subsection (b).

11 (d) COST AND PERFORMANCE REVIEW.—Section  
12 24707 of title 49, United States Code, and the item relat-  
13 ing thereto in the table of sections of chapter 247 of such  
14 title, are repealed.

15 (e) SPECIAL COMMUTER TRANSPORTATION.—Section  
16 24708 of title 49, United States Code, and the item relat-  
17 ing thereto in the table of sections of chapter 247 of such  
18 title, are repealed.

19 (f) CONFORMING AMENDMENT.—Section  
20 24312(a)(1) of title 49, United States Code, is amended  
21 by striking “, 24701(a),”.

1   **SEC. 202. MAIL, EXPRESS, AND AUTO-FERRY TRANSPOR-**  
2                                   **TATION.**

3           (a) REPEAL.—Section 24306 of title 49, United  
4 States Code, and the item relating thereto in the table of  
5 sections of chapter 243 of such title, are repealed.

6           (b) CONFORMING AMENDMENT.—Section 24301 of  
7 title 49, United States Code, is amended by adding at the  
8 end the following new subsection:

9           “(o) NONAPPLICATION OF CERTAIN OTHER LAWS.—  
10 State and local laws and regulations that impair the provi-  
11 sion of mail, express, and auto-ferry transportation do not  
12 apply to Amtrak or a rail carrier providing mail, express,  
13 or auto-ferry transportation.”.

14   **SEC. 203. ROUTE AND SERVICE CRITERIA.**

15           Section 24703 of title 49, United States Code, and  
16 the item relating thereto in the table of sections of chapter  
17 247 of such title, are repealed.

18   **SEC. 204. ADDITIONAL QUALIFYING ROUTES.**

19           Section 24705 of title 49, United States Code, and  
20 the item relating thereto in the table of sections of chapter  
21 247 of such title, are repealed.

22   **SEC. 205. TRANSPORTATION REQUESTED BY STATES, AU-**  
23                                   **THORITIES, AND OTHER PERSONS.**

24           (a) REPEAL.—Section 24704 of title 49, United  
25 States Code, and the item relating thereto in the table of  
26 sections of chapter 247 of such title, are repealed.

1 (b) EXISTING AGREEMENTS.—Amtrak shall not,  
 2 after the date of the enactment of this Act, be required  
 3 to provide transportation services pursuant to an agree-  
 4 ment entered into before such date of enactment under  
 5 the section repealed by subsection (a) of this section.

6 (c) STATE, REGIONAL, AND LOCAL COOPERATION.—  
 7 Section 24101(c)(2) of title 49, United States Code, is  
 8 amended by inserting “, separately or in combination,”  
 9 after “and the private sector”.

10 (d) CONFORMING AMENDMENT.—Section  
 11 24312(a)(1) of title 49, United States Code, is amended  
 12 by striking “or 24704(b)(2)”.

13 **SEC. 206. AMTRAK COMMUTER.**

14 (a) REPEAL OF CHAPTER 245.—Chapter 245 of title  
 15 49, United States Code, and the item relating thereto in  
 16 the table of chapters of subtitle V of such title, are re-  
 17 pealed.

18 (b) CONFORMING AMENDMENTS.—(1) Section  
 19 24301(f) of title 49, United States Code, is amended to  
 20 read as follows:

21 “(f) TAX EXEMPTION FOR CERTAIN COMMUTER AU-  
 22 THORITIES.—A commuter authority that was eligible to  
 23 make a contract with Amtrak Commuter to provide com-  
 24 muter rail passenger transportation but which decided to  
 25 provide its own rail passenger transportation beginning



1 January 1, 1983, is exempt, effective October 1, 1981,  
 2 from paying a tax or fee to the same extent Amtrak is  
 3 exempt.”.

4 (2) Subsection (a) of this section shall not affect any  
 5 trackage rights held by Amtrak or the Consolidated Rail  
 6 Corporation.

7 **SEC. 207. COMMUTER COST SHARING ON THE NORTHEAST**  
 8 **CORRIDOR.**

9 (a) DETERMINATION OF COMPENSATION.—Section  
 10 24904 of title 49, United States Code, is amended—

11 (1) by striking subsection (b);

12 (2) by redesignating subsection (c) as sub-  
 13 section (b);

14 (3) in subsection (b), as so redesignated by  
 15 paragraph (2) of this subsection—

16 (A) by striking “TRANSPORTATION OVER  
 17 CERTAIN RIGHTS OF WAY AND FACILITIES” in  
 18 the subsection head and inserting in lieu thereof  
 19 “FREIGHT TRANSPORTATION”;

20 (B) by inserting “relating to rail freight  
 21 transportation” after “subsection (a)(6) of this  
 22 section” in paragraph (1); and

23 (C) by inserting “to an agreement de-  
 24 scribed in paragraph (1)” after “If the parties”  
 25 in paragraph (2); and

1           (4) by inserting after subsection (b), as so re-  
2           designated by paragraph (2) of this subsection, the  
3           following new subsection:

4           “(c) BINDING ARBITRATION FOR COMMUTER DIS-  
5           PUTES.—(1) If the parties to an agreement described in  
6           subsection (a)(6) relating to commuter rail passenger  
7           transportation cannot agree to the terms of such agree-  
8           ment, such parties shall submit the issues in dispute to  
9           binding arbitration.

10          “(2) The parties to a dispute described in paragraph  
11          (1) may agree to use the Surface Transportation Board  
12          to arbitrate such dispute, and if requested the Surface  
13          Transportation Board shall perform such function.”.

14          (b) PRIVATIZATION.—Section 24101(d) of title 49,  
15          United States Code, is amended to read as follows:

16          “(d) MINIMIZING GOVERNMENT SUBSIDIES.—To  
17          carry out this part, Amtrak is encouraged to make agree-  
18          ments with the private sector and undertake initiatives  
19          that are consistent with good business judgment, that  
20          produce income to minimize Government subsidies, and  
21          that promote the potential privatization of Amtrak’s oper-  
22          ations.”.

23       **SEC. 208. ACCESS TO RECORDS AND ACCOUNTS.**

24          Section 24315 of title 49, United States Code, is  
25          amended—

1 (1) in subsection (e), by inserting “financial or”  
 2 after “Comptroller General may conduct”; and

3 (2) by adding at the end the following new sub-  
 4 section:

5 “(h) ACCESS TO RECORDS AND ACCOUNTS.—A State  
 6 shall have access to Amtrak’s records, accounts, and other  
 7 necessary documents used to determine the amount of any  
 8 payment to Amtrak required of the State.”.

## 9 **TITLE III—FINANCIAL REFORMS**

### 10 **SEC. 301. FINANCIAL POWERS.**

11 (a) CAPITALIZATION.—(1) Section 24304 of title 49,  
 12 United States Code, is amended to read as follows:

#### 13 **“§ 24304. Employee stock ownership plans**

14 “In issuing stock pursuant to applicable corporate  
 15 law, Amtrak is encouraged to include employee stock own-  
 16 ership plans.”.

17 (2) The item relating to section 24304 of title 49,  
 18 United States Code, in the table of sections of chapter 243  
 19 of such title is amended to read as follows:

“24304. Employee stock ownership plans.”.

20 (b) REDEMPTION OF COMMON STOCK.—(1) Amtrak  
 21 shall, within 2 months after the date of the enactment of  
 22 this Act, redeem all common stock previously issued, for  
 23 the fair market value of such stock.

24 (2) Amtrak shall redeem any such common stock held  
 25 after the expiration of the 2-month period described in

1 paragraph (1), using procedures set forth in section  
2 24311(a) and (b).

3 (c) ELIMINATION OF LIQUIDATION PREFERENCE  
4 AND VOTING RIGHTS OF PREFERRED STOCK.—(1)(A)  
5 Preferred stock of Amtrak held by the Secretary of Trans-  
6 portation shall confer no liquidation preference.

7 (B) Subparagraph (A) shall take effect 90 days after  
8 the date of the enactment of this Act.

9 (2)(A) Preferred stock of Amtrak held by the Sec-  
10 retary of Transportation shall confer no voting rights.

11 (B) Subparagraph (A) shall take effect 60 days after  
12 the date of the enactment of this Act.

13 (d) NOTE AND MORTGAGE.—(1) Section 24907 of  
14 title 49, United States Code, and the item relating thereto  
15 in the table of sections of chapter 249 of such title, are  
16 repealed.

17 (2) The United States hereby relinquishes all rights  
18 held in connection with any note obtained or mortgage  
19 made under such section 24907, or in connection with the  
20 note, security agreement, and terms and conditions related  
21 thereto entered into with Amtrak dated October 5, 1983.

22 (3) No amount shall be includible in Amtrak's gross  
23 income for Federal tax purposes as a result of the applica-  
24 tion of this subsection or subsection (c).

1 (e) STATUS AND APPLICABLE LAWS.—(1) Section  
 2 24301(a)(3) of title 49, United States Code, is amended  
 3 by inserting “, and shall not be subject to title 31, United  
 4 States Code” after “United States Government”.

5 (2) Section 9101(2) of title 31, United States Code,  
 6 relating to Government corporations, is amended by strik-  
 7 ing subparagraph (A) and redesignating subparagraphs  
 8 (B) through (L) as subparagraphs (A) through (K), re-  
 9 spectively.

10 **SEC. 302. DISBURSEMENT OF FEDERAL FUNDS.**

11 Section 24104(d) of title 49, United States Code, is  
 12 amended to read as follows:

13 “(d) ADMINISTRATION OF APPROPRIATIONS.—Fed-  
 14 eral operating assistance funds appropriated to Amtrak  
 15 shall be provided to Amtrak upon appropriation when re-  
 16 quested by Amtrak.”.

17 **SEC. 303. BOARD OF DIRECTORS.**

18 (a) AMENDMENT.—Section 24302 of title 49, United  
 19 States Code, is amended to read as follows:

20 **“§ 24302. Board of Directors**

21 “(a) EMERGENCY REFORM BOARD.—

22 “(1) ESTABLISHMENT AND DUTIES.—The  
 23 Emergency Reform Board described in paragraph  
 24 (2) shall assume the responsibilities of the Board of  
 25 Directors of Amtrak 60 days after the date of the

1 enactment of the Amtrak Reform and Privatization  
2 Act of 1997, or as soon thereafter as such Board is  
3 sufficiently constituted to function as a board of di-  
4 rectors under applicable corporate law. Such Board  
5 shall adopt new bylaws, including procedures for the  
6 selection of members of the Board of Directors  
7 under subsection (c) which provide for employee rep-  
8 resentation.

9 “(2) MEMBERSHIP.—(A) The Emergency Re-  
10 form Board shall consist of 7 members appointed by  
11 the President, by and with the advice and consent  
12 of the Senate.

13 “(B) In selecting individuals for nominations  
14 for appointments to the Emergency Reform Board,  
15 the President should consult with—

16 “(i) the Speaker of the House of Rep-  
17 resentatives concerning the appointment of two  
18 members;

19 “(ii) the minority leader of the House of  
20 Representatives concerning the appointment of  
21 one member;

22 “(iii) the majority leader of the Senate  
23 concerning the appointment of two members;  
24 and

1                   “(iv) the minority leader of the Senate con-  
2                   cerning the appointment of one member.

3                   “(C) Appointments under subparagraph (A)  
4                   shall be made from among individuals who—

5                   “(i) have technical qualification, profes-  
6                   sional standing, and demonstrated expertise in  
7                   the fields of intercity common carrier transpor-  
8                   tation and corporate management; and

9                   “(ii) are not employees of Amtrak, employ-  
10                  ees of the United States, or representatives of  
11                  rail labor or rail management.

12               “(b) DIRECTOR GENERAL.—If the Emergency Re-  
13               form Board described in subsection (a)(2) is not suffi-  
14               ciently constituted to function as a board of directors  
15               under applicable corporate law before the expiration of 60  
16               days after the date of the enactment of the Amtrak Re-  
17               form and Privatization Act of 1997, the special court es-  
18               tablished under section 209(b) of the Regional Rail Reor-  
19               ganization Act of 1973 (45 U.S.C. 719(b)) shall appoint  
20               a Director General, who shall exercise all powers of the  
21               Board of Directors of Amtrak until the Emergency Re-  
22               form Board assumes such powers.

23               “(c) BOARD OF DIRECTORS.—Four years after the  
24               establishment of the Emergency Reform Board under sub-  
25               section (a), a Board of Directors shall be selected pursu-

1 ant to bylaws adopted by the Emergency Reform Board,  
 2 and the Emergency Reform Board shall be dissolved.”.

3 (b) EFFECT ON AUTHORIZATIONS.—If the Emer-  
 4 gency Reform Board has not assumed the responsibilities  
 5 of the Board of Directors of Amtrak before March 15,  
 6 1998, all provisions authorizing appropriations under the  
 7 amendments made by section 501 of this Act for a fiscal  
 8 year after fiscal year 1998 shall cease to be effective.

9 **SEC. 304. REPORTS AND AUDITS.**

10 Section 24315 of title 49, United States Code, as  
 11 amended by section 208 of this Act, is further amended—

12 (1) by striking subsections (a) and (c);

13 (2) by redesignating subsections (b), (d), (e),  
 14 (f), (g), and (h) as subsections (a), (b), (c), (d), (e),  
 15 and (f), respectively; and

16 (3) in subsection (d), as so redesignated by  
 17 paragraph (2) of this section, by striking “(d) or  
 18 (e)” and inserting in lieu thereof “(b) or (c)”.

19 **SEC. 305. OFFICERS’ PAY.**

20 Section 24303(b) of title 49, United States Code, is  
 21 amended by inserting “The preceding sentence shall cease  
 22 to be effective on the expiration of a fiscal year during  
 23 which no Federal operating assistance is provided to Am-  
 24 trak.” after “with comparable responsibility.”.



1 **SEC. 306. EXEMPTION FROM TAXES.**

2 Section 24301(l)(1) of title 49, United States Code,  
3 is amended—

4 (1) by inserting “, and any passenger or other  
5 customer of Amtrak or such subsidiary,” after “sub-  
6 sidiary of Amtrak”;

7 (2) by striking “or fee imposed” and all that  
8 follows through “levied on it” and inserting in lieu  
9 thereof “, fee, head charge, or other charge, imposed  
10 or levied by a State, political subdivision, or local  
11 taxing authority, directly or indirectly on Amtrak or  
12 on persons traveling in intercity rail passenger  
13 transportation or on mail or express transportation  
14 provided by Amtrak or a rail carrier subsidiary of  
15 Amtrak, or on the carriage of such persons, mail, or  
16 express, or on the sale of any such transportation,  
17 or on the gross receipts derived therefrom”; and

18 (3) by amending the last sentence thereof to  
19 read as follows: “In the case of a tax or fee that  
20 Amtrak was required to pay as of September 10,  
21 1982, Amtrak is not exempt from such tax or fee if  
22 it was assessed before April 1, 1997.”.

23 **TITLE IV—MISCELLANEOUS**

24 **SEC. 401. TEMPORARY RAIL ADVISORY COUNCIL.**

25 (a) APPOINTMENT.—Within 30 days after the date  
26 of the enactment of this Act, a Temporary Rail Advisory

1 Council (in this section referred to as the “Council”) shall  
2 be appointed under this section.

3 (b) DUTIES.—The Council shall—

4 (1) evaluate Amtrak’s performance;

5 (2) prepare an analysis and critique of Am-  
6 trak’s business plan;

7 (3) suggest strategies for further cost contain-  
8 ment and productivity improvements, including  
9 strategies with the potential for further reduction in  
10 Federal operating subsidies and the eventual partial  
11 or complete privatization of Amtrak’s operations;  
12 and

13 (4) recommend appropriate methods for adop-  
14 tion of uniform cost and accounting procedures  
15 throughout the Amtrak system, based on generally  
16 accepted accounting principles.

17 (c) MEMBERSHIP.—(1) The Council shall consist of  
18 7 members appointed as follows:

19 (A) Two individuals to be appointed by the  
20 Speaker of the House of Representatives.

21 (B) One individual to be appointed by the mi-  
22 nority leader of the House of Representatives.

23 (C) Two individuals to be appointed by the ma-  
24 jority leader of the Senate.

1           (D) One individual to be appointed by the mi-  
2           nority leader of the Senate.

3           (E) One individual to be appointed by the  
4           President.

5           (2) Appointments under paragraph (1) shall be made  
6           from among individuals who—

7           (A) have technical qualification, professional  
8           standing, and demonstrated expertise in the fields of  
9           transportation and corporate management; and

10          (B) are not employees of Amtrak, employees of  
11          the United States, or representatives of rail labor or  
12          rail management.

13          (3) Within 40 days after the date of the enactment  
14          of this Act, a majority of the members of the Council shall  
15          elect a chairman from among such members.

16          (d) TRAVEL EXPENSES.—Each member of the Coun-  
17          cil shall serve without pay, but shall receive travel ex-  
18          penses, including per diem in lieu of subsistence, in ac-  
19          cordance with sections 5702 and 5703 of title 5, United  
20          States Code.

21          (e) ADMINISTRATIVE SUPPORT.—The Secretary of  
22          Transportation shall provide to the Council such adminis-  
23          trative support as the Council requires to carry out this  
24          section.

1       (f) ACCESS TO INFORMATION.—Amtrak shall make  
2 available to the Council all information the Council re-  
3 quires to carry out this section. The Council shall establish  
4 appropriate procedures to ensure against the public disclo-  
5 sure of any information obtained under this subsection  
6 which is a trade secret or commercial or financial informa-  
7 tion that is privileged or confidential.

8       (g) REPORTS.—(1) Within 120 days after the date  
9 of the enactment of this Act, the Council shall transmit  
10 to the Amtrak board of directors and the Congress an in-  
11 terim report on its findings and recommendations.

12       (2) Within 270 days after the date of the enactment  
13 of this Act, the Council shall transmit to the Amtrak  
14 board of directors and the Congress a final report on its  
15 findings and recommendations.

16       (h) STATUS.—The Council shall not be subject to the  
17 Federal Advisory Committee Act (5 U.S.C. App.) or sec-  
18 tion 552 of title 5, United States Code (commonly referred  
19 to as the Freedom of Information Act).

20 **SEC. 402. PRINCIPAL PLACE OF BUSINESS.**

21       Section 24301(b) of title 49, United States Code, is  
22 amended—

23               (1) by striking the first sentence;

1           (2) by striking “of the District of Columbia”  
2           and inserting in lieu thereof “of the State in which  
3           its principal place of business is located”; and

4           (3) by inserting “For purposes of this sub-  
5           section, the term ‘State’ includes the District of Co-  
6           lumbia. Notwithstanding section 3 of the District of  
7           Columbia Business Corporation Act, Amtrak, if its  
8           principal place of business is located in the District  
9           of Columbia, shall be considered organized under the  
10          provisions of such Act.” after “in a civil action.”.

11 **SEC. 403. STATUS AND APPLICABLE LAWS.**

12          Section 24301 of title 49, United States Code, is  
13 amended—

14           (1) in subsection (a)(1), by striking “rail car-  
15          rier under section 10102” and inserting in lieu  
16          thereof “railroad carrier under section 20102(2) and  
17          chapters 261 and 281”; and

18           (2) by amending subsection (c) to read as fol-  
19          lows:

20          “(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of  
21 this title shall not apply to Amtrak, except for sections  
22 11301, 11322(a), 11502, and 11706. Notwithstanding the  
23 preceding sentence, Amtrak shall continue to be consid-  
24 ered an employer under the Railroad Retirement Act of

1 1974, the Railroad Unemployment Insurance Act, and the  
2 Railroad Retirement Tax Act.”.

3 **SEC. 404. WASTE DISPOSAL.**

4 Section 24301(m)(1)(A) of title 49, United States  
5 Code, is amended by striking “1996” and inserting in lieu  
6 thereof “2001”.

7 **SEC. 405. ASSISTANCE FOR UPGRADING FACILITIES.**

8 Section 24310 of title 49, United States Code, and  
9 the item relating thereto in the table of sections of chapter  
10 243 of such title, are repealed.

11 **SEC. 406. RAIL SAFETY SYSTEM PROGRAM.**

12 Section 24313 of title 49, United States Code, and  
13 the item relating thereto in the table of sections of chapter  
14 243 of such title, are repealed.

15 **SEC. 407. DEMONSTRATION OF NEW TECHNOLOGY.**

16 Section 24314 of title 49, United States Code, and  
17 the item relating thereto in the table of sections of chapter  
18 243 of such title, are repealed.

19 **SEC. 408. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK**  
20 **MAIN LINE.**

21 (a) REPEAL.—Section 24903 of title 49, United  
22 States Code, and the item relating thereto in the table of  
23 sections of chapter 249 of such title, are repealed.

1 (b) CONFORMING AMENDMENT.—Section  
2 24902(a)(1)(A) of title 49, United States Code, is amend-  
3 ed by striking “and 40 minutes”.

4 **SEC. 409. BOSTON-NEW HAVEN ELECTRIFICATION**  
5 **PROJECT.**

6 Section 24902(f) of title 49, United States Code, is  
7 amended—

8 (1) by inserting “(1)” before “Improvements  
9 under”; and

10 (2) by adding at the end the following new  
11 paragraph:

12 “(2) Amtrak shall design and construct the elec-  
13 trification system between Boston, Massachusetts, and  
14 New Haven, Connecticut, to accommodate the installation  
15 of a third mainline track between Davisville and Central  
16 Falls, Rhode Island, to be used for double-stack freight  
17 service to and from the Port of Davisville. Amtrak shall  
18 also make clearance improvements on the existing main  
19 line tracks to permit double stack service on this line, if  
20 funds to defray the costs of clearance improvements be-  
21 yond Amtrak’s own requirements for electrified passenger  
22 service are provided by public or private entities other  
23 than Amtrak. Wherever practicable, Amtrak shall use por-  
24 tal structures and realign existing tracks on undergrade  
25 and overgrade bridges to minimize the width of the right-

1 of-way required to add the third track. Amtrak shall take  
 2 such other steps as may be required to coordinate and fa-  
 3 cilitate design and construction work. The Secretary of  
 4 Transportation may provide appropriate support to Am-  
 5 trak for carrying out this paragraph.”.

6 **SEC. 410. AMERICANS WITH DISABILITIES ACT OF 1990.**

7 (a) APPLICATION TO AMTRAK.—Amtrak, and with  
 8 respect only to the facilities it jointly uses with Amtrak,  
 9 a commuter authority, shall not be subject to any require-  
 10 ment under section 242(a) (1) and (3) and (e)(2) of the  
 11 Americans With Disabilities Act of 1990 (42 U.S.C.  
 12 12162(a) (1) and (3) and (e)(2)) until January 1, 1998.  
 13 For stations jointly used by Amtrak and a commuter au-  
 14 thority, this subsection shall not affect the allocation of  
 15 costs between Amtrak and the commuter authority relat-  
 16 ing to accessibility improvements.

17 (b) CONFORMING AMENDMENT.—Section 24307 of  
 18 title 49, United States Code, is amended—

19 (1) by striking subsection (b); and

20 (2) by redesignating subsection (c) as sub-  
 21 section (b).

22 **SEC. 411. DEFINITIONS.**

23 Section 24102 of title 49, United States Code, is  
 24 amended—

25 (1) by striking paragraphs (2), (3), and (11);



1           (2) by redesignating paragraphs (4) through  
2           (8) as paragraphs (2) through (6), respectively;

3           (3) by inserting after paragraph (6), as so re-  
4           designated by paragraph (2) of this section, the fol-  
5           lowing new paragraph:

6           “(7) ‘rail passenger transportation’ means the  
7           interstate, intrastate, or international transportation  
8           of passengers by rail;”;

9           (4) in paragraph (6), as so redesignated by  
10          paragraph (2) of this section, by inserting “, includ-  
11          ing a unit of State or local government,” after  
12          “means a person”; and

13          (5) by redesignating paragraphs (9) and (10)  
14          as paragraphs (8) and (9), respectively.

15 **SEC. 412. NORTHEAST CORRIDOR COST DISPUTE.**

16          Section 1163 of the Northeast Rail Service Act of  
17          1981 (45 U.S.C. 1111) is repealed.

18 **SEC. 413. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.**

19          (a) AMENDMENT.—Section 8G(a)(2) of the Inspector  
20          General Act of 1978 (5 U.S.C. App.) is amended by strik-  
21          ing “Amtrak,”.

22          (b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall  
23          not be considered a Federal entity for purposes of the In-  
24          specter General Act of 1978.

1 **SEC. 414. CONSOLIDATED RAIL CORPORATION.**

2 Section 4023 of the Conrail Privatization Act (45  
3 U.S.C. 1323), and the item relating thereto in the table  
4 of contents of such Act, are repealed.

5 **SEC. 415. INTERSTATE RAIL COMPACTS.**

6 (a) CONSENT TO COMPACTS.—Congress grants con-  
7 sent to States with an interest in a specific form, route,  
8 or corridor of intercity passenger rail service (including  
9 high speed rail service) to enter into interstate compacts  
10 to promote the provision of the service, including—

11 (1) retaining an existing service or commencing  
12 a new service;

13 (2) assembling rights-of-way; and

14 (3) performing capital improvements, includ-  
15 ing—

16 (A) the construction and rehabilitation of  
17 maintenance facilities and intermodal passenger  
18 facilities;

19 (B) the purchase of locomotives; and

20 (C) operational improvements, including  
21 communications, signals, and other systems.

22 (b) FINANCING.—An interstate compact established  
23 by States under subsection (a) may provide that, in order  
24 to carry out the compact, the States may—

25 (1) accept contributions from a unit of State or  
26 local government or a person;

1           (2) use any Federal or State funds made avail-  
2           able for intercity passenger rail service (except funds  
3           made available for the National Railroad Passenger  
4           Corporation);

5           (3) on such terms and conditions as the States  
6           consider advisable—

7                   (A) borrow money on a short-term basis  
8                   and issue notes for the borrowing; and

9                   (B) issue bonds; and

10           (4) obtain financing by other means permitted  
11           under Federal or State law.

12 **SEC. 416. CONFORMING AMENDMENTS.**

13           Part C of subtitle V of title 49, United States Code,  
14           is amended—

15           (1) in section 24102(2), by striking “Interstate  
16           Commerce Commission” and inserting in lieu thereof  
17           “Surface Transportation Board”;

18           (2) in section 24307(b)(3), as so redesignated  
19           by section 410(b)(2) of this Act, by striking “Inter-  
20           state Commerce Commission” and inserting in lieu  
21           thereof “Surface Transportation Board”;

22           (3) in section 24308—

23                   (A) by striking “Interstate Commerce  
24                   Commission” in subsection (a)(2)(A) and in-

1           serting in lieu thereof “Surface Transportation  
2           Board”; and

3                   (B) by striking “Commission” each place it  
4           appears and inserting in lieu thereof “Board”;  
5           (4) in section 24311(c)—

6                   (A) by striking “Interstate Commerce  
7           Commission” in paragraph (1) and inserting in  
8           lieu thereof “Surface Transportation Board”;  
9           and

10                   (B) by striking “Commission” each place it  
11           appears and inserting in lieu thereof “Board”;  
12           (5) in section 24902(j)—

13                   (A) by striking “Interstate Commerce  
14           Commission” each place it appears and insert-  
15           ing in lieu thereof “Surface Transportation  
16           Board”; and

17                   (B) by striking “Commission” each place it  
18           appears and inserting in lieu thereof “Board”;  
19           and

20           (6) in section 24904(b), as so redesignated by  
21   section 207(a)(2) of this Act—

22                   (A) by striking “Interstate Commerce  
23           Commission” in paragraph (2) and inserting in  
24           lieu thereof “Surface Transportation Board”;  
25           and

1 (B) by striking “Commission” each place it  
2 appears and inserting in lieu thereof “Board”.

3 **SEC. 417. MAGNETIC LEVITATION TRACK MATERIALS.**

4 The Secretary of Transportation shall transfer to the  
5 State of Florida, pursuant to a grant or cooperative agree-  
6 ment, title to aluminum reaction rail, power rail base, and  
7 other related materials (originally used in connection with  
8 the Prototype Air Cushion Vehicle Program between 1973  
9 and 1976) located at the Transportation Technology Cen-  
10 ter near Pueblo, Colorado, for use by the State of Florida  
11 to construct a magnetic levitation track in connection with  
12 a project or projects being undertaken by American  
13 Maglev Technology, Inc., to demonstrate magnetic levita-  
14 tion technology in the United States. If the materials are  
15 not used for such construction within 3 years after the  
16 date of the enactment of this Act, title to such materials  
17 shall revert to the United States.

18 **SEC. 418. RAILROAD LOAN GUARANTEES.**

19 (a) DECLARATION OF POLICY.—Section 101(a)(4) of  
20 the Railroad Revitalization and Regulatory Reform Act of  
21 1976 (45 U.S.C. 801(a)(4)) is amended to read as follows:

22 “(4) Continuation of service on, or preservation  
23 of, light density lines that are necessary to continued  
24 employment and community well-being throughout  
25 the United States.”.

1 (b) MAXIMUM RATE OF INTEREST.—Section 511(f)  
2 of the Railroad Revitalization and Regulatory Reform Act  
3 of 1976 (45 U.S.C. 831(f)) is amended by striking “shall  
4 not exceed an annual percentage rate which the Secretary  
5 determines to be reasonable, taking into consideration the  
6 prevailing interest rates for similar obligations in the pri-  
7 vate market.” and inserting in lieu thereof “shall not ex-  
8 ceed the annual percentage rate which is equivalent to the  
9 cost of money to the United States.”.

10 (c) MINIMUM REPAYMENT PERIOD AND PREPAY-  
11 MENT PENALTIES.—Section 511(g)(2) of the Railroad Re-  
12 vitalization and Regulatory Reform Act of 1976 (45  
13 U.S.C. 831(g)(2)) is amended to read as follows:

14 “(2) payment of the obligation is required by its  
15 terms to be made not less than 15 years not more  
16 than 25 years from the date of its execution, with  
17 no penalty imposed for prepayment after 5 years;”.

18 (d) DETERMINATION OF REPAYABILITY.—Section  
19 511(g)(5) of the Railroad Revitalization and Regulatory  
20 Reform Act of 1976 (45 U.S.C. 831(g)(5)) is amended  
21 to read as follows:

22 “(5) either the loan can reasonably be repaid by  
23 the applicant or the loan is collateralized at no more  
24 than the current value of assets being financed

1 under this section to provide protection to the Unit-  
 2 ed States;”.

## 3 **TITLE V—AUTHORIZATION OF** 4 **APPROPRIATIONS**

### 5 **SEC. 501. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) CAPITAL EXPENDITURES.—Section 24104(a) of  
 7 title 49, United States Code, is amended to read as fol-  
 8 lows:

9 “(a) CAPITAL EXPENDITURES.—There are author-  
 10 ized to be appropriated to the Secretary of Transpor-  
 11 tation—

12 “(1) \$230,000,000 for fiscal year 1995;

13 “(2) \$230,000,000 for fiscal year 1996;

14 “(3) \$224,000,000 for fiscal year 1997;

15 “(4) \$501,000,000 for fiscal year 1998;

16 “(5) \$516,000,000 for fiscal year 1999; and

17 “(6) \$531,000,000 for fiscal year 2000,

18 for the benefit of Amtrak for capital expenditures under  
 19 chapters 243 and 247 of this title.”.

20 (b) OPERATING EXPENSES.—Section 24104(b) of  
 21 title 49, United States Code, is amended to read as fol-  
 22 lows:

23 “(b) OPERATING EXPENSES.—There are authorized  
 24 to be appropriated to the Secretary of Transportation—

25 “(1) \$542,000,000 for fiscal year 1995;

1           “(2) \$405,000,000 for fiscal year 1996;  
 2           “(3) \$365,000,000 for fiscal year 1997;  
 3           “(4) \$387,000,000 for fiscal year 1998;  
 4           “(5) \$292,000,000 for fiscal year 1999; and  
 5           “(6) \$242,000,000 for fiscal year 2000,  
 6 for the benefit of Amtrak for operating expenses.”.

7           (c)       ADDITIONAL       AUTHORIZATIONS.—Section  
 8 24104(c) of title 49, United States Code, is amended to  
 9 read as follows:

10       “(c) ADDITIONAL AUTHORIZATIONS.—In addition to  
 11 amounts appropriated under subsection (a), there are au-  
 12 thorized to be appropriated to the Secretary of Transpor-  
 13 tation—

14           “(1) \$200,000,000 for fiscal year 1995;  
 15           “(2) \$115,000,000 for fiscal year 1996;  
 16           “(3) \$255,000,000 for fiscal year 1997;  
 17           “(4) \$250,000,000 for fiscal year 1998;  
 18           “(5) \$250,000,000 for fiscal year 1999; and  
 19           “(6) \$250,000,000 for fiscal year 2000.

20 for the benefit of Amtrak to make capital expenditures  
 21 under chapter 249 of this title.”.

22       (d) REDUCTION OF AMOUNTS.—Section 24104 of  
 23 title 49, United States Code, is further amended by adding  
 24 at the end the following new subsection:



1       “(g) REDUCTION OF AMOUNTS.—For each fiscal  
2 year, the total amount authorized to be appropriated  
3 under subsections (a) and (c) combined shall be reduced  
4 by any amount made available to Amtrak from an inter-  
5 city passenger transportation trust fund for that fiscal  
6 year.”.

7       (e) CONFORMING AMENDMENTS.—Section 24909 of  
8 title 49, United States Code, and the item relating thereto  
9 in the table of sections of chapter 249 of such title, are  
10 repealed.

11       (f) GUARANTEE OF OBLIGATIONS.—There are au-  
12 thorized to be appropriated to the Secretary of Transpor-  
13 tation—

14               (1) \$50,000,000 for fiscal year 1998;  
15               (2) \$50,000,000 for fiscal year 1999; and  
16               (3) \$50,000,000 for fiscal year 2000,  
17 for guaranteeing obligations of Amtrak under section 511  
18 of the Railroad Revitalization and Regulatory Reform Act  
19 of 1976 (45 U.S.C. 831).

20       (g) CONDITIONS FOR GUARANTEE OF OBLIGA-  
21 TIONS.—Section 511(i) of the Railroad Revitalization and  
22 Regulatory Reform Act of 1976 (45 U.S.C. 831(i)) is  
23 amended by adding at the end the following new para-  
24 graph:

1       “(4) The Secretary shall not require, as a condition  
2 for guarantee of an obligation under this section, that all  
3 preexisting secured obligations of an obligor be subordi-  
4 nated to the rights of the Secretary in the event of a de-  
5 fault.”.

○